

SENATE BILL 140

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2003 Regular Session  
3lr0763  
CF 3lr0762

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By: **Chairman, Judicial Proceedings Committee (Maryland Judicial Conference)**

Introduced and read first time: January 24, 2003

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Subsequent Injury Fund - Effect of Impleading in Workers'**  
3 **Compensation Appeal**

4 FOR the purpose of limiting a requirement of mandatory suspension of further  
5 proceedings in a workers' compensation appeal in a circuit court and remand of  
6 a case to the Workers' Compensation Commission if an impleader of the  
7 Subsequent Injury Fund is filed to circumstances in which the impleader is filed  
8 within a certain time; authorizing a circuit court, for good cause shown, to  
9 suspend further proceedings in a workers' compensation appeal and remand a  
10 case to the Commission if an impleader of the Fund is filed under certain  
11 circumstances; providing certain exceptions, to a requirement of mandatory  
12 suspension of further proceedings in a workers' compensation appeal in the  
13 Court of Special Appeals and remand of a case to the Commission if an  
14 impleader of the Fund is filed, for an impleader filed in bad faith or without  
15 substantial justification; providing for the application of this Act; and generally  
16 relating to altering certain requirements concerning impleading the Fund on a  
17 workers' compensation appeal in a circuit court or the Court of Special Appeals.

18 BY repealing and reenacting, with amendments,  
19 Article - Labor and Employment  
20 Section 9-807(b)  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 2002 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Labor and Employment**

26 9-807.

27 (b) (1) The Subsequent Injury Fund may be impleaded at any stage of the  
28 proceedings:

1 (i) before the Commission; or

2 (ii) on appeal.

3 (2) If the Subsequent Injury Fund is impleaded on appeal before a circuit  
4 court [or the Court of Special Appeals], the court [shall]:

5 (i) AS TO AN IMPLADER FILED AT LEAST 90 DAYS BEFORE THE  
6 SCHEDULED TRIAL, SHALL:

7 1. suspend further proceedings; and

8 [(ii)] 2. remand the case to the Commission for further  
9 proceedings to give the Subsequent Injury Fund an opportunity to defend against the  
10 claim; AND

11 (II) AS TO AN IMPLADER FILED AT ANY OTHER TIME, MAY FOR  
12 GOOD CAUSE SHOWN:

13 1. SUSPEND FURTHER PROCEEDINGS; AND

14 2. REMAND THE CASE TO THE COMMISSION FOR FURTHER  
15 PROCEEDINGS TO GIVE THE SUBSEQUENT INJURY FUND AN OPPORTUNITY TO  
16 DEFEND AGAINST THE CLAIM.

17 (3) IF THE SUBSEQUENT INJURY FUND IS IMPEADED ON APPEAL  
18 BEFORE THE COURT OF SPECIAL APPEALS AND UNLESS THE COURT FINDS THAT THE  
19 IMPLADER WHO FILED IN BAD FAITH OR WITHOUT SUBSTANTIAL JUSTIFICATION,  
20 THE COURT SHALL:

21 (I) SUSPEND FURTHER PROCEEDINGS; AND

22 (II) REMAND THE CASE TO THE COMMISSION FOR FURTHER  
23 PROCEEDINGS TO GIVE THE SUBSEQUENT INJURY FUND AN OPPORTUNITY TO  
24 DEFEND AGAINST THE CLAIM.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
26 construed to apply only prospectively and may not be applied or interpreted to have  
27 any effect on or application to any appeal filed before the effective date of this Act.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
29 effect October 1, 2003.